

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *Whe* D.C.

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LAWRENCE GILPIN,

Plaintiff,

VS.

NO. 05-2288-MaV

JO ANNE B. BARNHART,
Commissioner of Social Security,

Defendant.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

ORDER REMANDING CASE

Before the court is defendant's October 6, 2005, motion for entry of judgment and remand of the case to the defendant.

On April 20, 2005, plaintiff filed this social security benefits appeal. Defendant filed an answer on June 28, 2005. On October 6, 2005, defendant filed a motion for entry of judgment and remand pursuant to sentence four of section 205(g) of the Social Security Act, 42 U.S.C. §405(g). For good cause shown, the motion is GRANTED.

The court REMANDS this action to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. §405(g), so that an administrative law judge can conduct a new hearing and issue a new decision. The administrative law judge will allow plaintiff to re-submit the opinion evidence statement from Gregory Dabov, M.D., dated September 20, 2004, and enter the evidence from Dr. Dabov into the record, and consider and weigh this opinion

evidence in accordance with 20 C.F.R. §§404.1527 and 416.927, and Social Security Rulings 96-2p and 96-5p.

Additionally, plaintiff's August 25, 2005, motion to remand is DENIED as moot, because the administrative law judge will conduct a *de novo* hearing at which plaintiff will have the opportunity to raise issues not previously raised and submit additional evidence not previously before the ALJ.

It is so ORDERED this 12th day of October, 2005.



SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 20 in case 2:05-CV-02288 was distributed by fax, mail, or direct printing on October 14, 2005 to the parties listed.

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Honorable Samuel Mays
US DISTRICT COURT